

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

RP.No. 117 of 2007()

AGAINST THE JUDGEMENT\ IN WA.1921/2005 Dated 19/12/2006
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REVIEW PETITIONER/PETITIONER:

C.K. BALAN,
CHETHIYATTIL HOUSE, LOKAMALESWARAM VILLAGE,
KODUNGALLUR, THRISSUR DISTRICT.

BY ADV. SRI.M.P.ASHOK KUMAR

RESPONDENTS: RESPONDENTS:

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1. THE ASSISTANT EXCISE COMMISSIONER,
PALAKKAD.
 2. THE DEPUTY TAHSILDAR (REVENUE RECOVERY),
KODUNGALLOOR, THRISSUR DISTRICT.
 3. THE COMMISSIONER OF EXCISE,
THIRUVANANTHAPURAM.

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION
ON 07/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

P.R. RAMAN & S. SIRI JAGAN, JJ.
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R.P. NO. 117/2007 IN W.A. 1921/2005
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DATED THIS, THE 7TH DAY OF 2007.

ORDER

Siri Jagan, J.

This petition is filed seeking review of the judgment in W.A.1921/2005. Review petitioner contends that the amount demanded is not for the period during which the permit was current; but for the whole year. But we find that such a contention was never raised either in the writ petition or in the writ appeal. The only contention in the writ appeal was that petitioner is liable to pay fee on the actual quantity transported and not the quantity covered by the permit. That contention was negatived dismissing the writ appeal.

2. In the above circumstances, we do not think that the review petitioner can raise a totally new ground which was not there in the writ petition or in the writ appeal. In view of the same, we are not inclined to admit this review petition. It is accordingly, dismissed.

Petitioner further submits that in the demand notice now issued, more amount than what was mentioned in the impugned notice has been

demanded. If this is so, the remedy of the petitioner lies in challenging the fresh demand as not in accordance with the earlier demand which was confirmed by this Court.

P.R. RAMAN,
(JUDGE)

S. SIRI JAGAN,
(JUDGE)

knc/-